

Board of Adjustment  
PO Box 120  
Town of Fremont, New Hampshire 03044  
Minutes of August 22, 2006

Members present: Co-chairman, Jack Baker, Doug Andrew, Brett Hunter and recording Secretary Meredith Bolduc.

Mr. Baker called the meeting to order at 8:00 p.m. then called the roll.

Case #06-008  
William & Joanne Currier  
MAP 1 LOT 048

Present: Owners William & Joanne Currier, representing Surveyor Roscoe Blaisdell, abutters Ann-Marie & Robert Stackpole and Albert & Elizabeth Boutin.

Mr. Baker opened this Public Hearing at 8:00 p.m. At Mr. Baker's request, the Public Hearing and pertinent case information were read by Mrs. Bolduc.

Public Notice: *In accordance with NH RSA 675:7, you are hereby notified that the Fremont Zoning Board of Adjustment will hold a Public Hearing at 7:30 pm on August 22, 2006 at the Fremont Town Hall, as requested by William & Joanne Currier, 366 Sandown Road, Map 1 Lot 048, Fremont NH.*

*The applicants are seeking Special Exceptions from Fremont Zoning Article IX Section H for proposed Map 1 Lot 048.6 to allow the construction of a driveway closer than one hundred (100) feet to a wetland/watershed protection area; and proposed Map 1 Lots 048-4, 048-6 and 048-7 to allow the placement of a well including associated drainage on each lot, closer than one hundred (100') feet to a wetlands/watershed protection area.*

It was noted that this hearing was noticed on July 25, 2006 at the Fremont Post Office and Fremont Town Hall and in the August 4, 2006 edition of the Rockingham News. The applicant and all abutters were notified via certified mail on July 27, 2006 and all returns have been received. The application package included: A July 27, 2006 letter of denial from Code Enforcement Official Thom Roy, copies of the drawn plan, proper check amount, signed Shoreland Protection Certificate and a current list of abutters.

The purpose of the Board and the procedure for a Special Exception was explained and the three questions which must be answered to decide whether or not a Special Exception can be legally granted were also read:

1. Is the use one that is ordinarily prohibited in the district?
2. Is the use specifically allowed as a Special Exception under the terms of the ordinance?
3. Are the conditions specified in the ordinance for granting the exception met in the particular case?

Article IX Section H of the Fremont Zoning Ordinance was read.

The following comment sheets were received (comments in italics):

Fire Chief: *If this is a 5 lot subdivision, has there been a provision for fire protection? Also the long driveways will need turn-outs and hammerheads at lots, but I have no objection to the wetland issues.*"

Health Officer: *No problem as long as they respect the wetlands while they are working.*

Conservation Commission: (1) *Shared driveways on lot 48.6 & 48.7 be restricted to gravel construction only. No impervious surfaces to be created by the proposed shared driveway. This restriction to be stated both as a note on the approved plan and should be a required deed restriction.* (2) *Silt fences and other appropriate materials should be used to minimize wetland impact during construction at wells on 48.6 & 48.4.*

The Board received and reviewed letters of referral from the Planning Board, Conservation Commission, Health Officer and Building Official as per Article IX Section H-1. Also received was an August 1, 2006 report from Richard Bond, CSS, CWS, Rockingham County Conservation District, as per Article IX Section H-3. In the review prepared by Mr. Bond, relative to the request by William & Joanne Currier for a Special Exception to Article IX Section H2 for 366 Sandown Road, Tax Map 1 Lot 048, he notes that the applicant proposes to impact portions of several wetland buffers in the Wetland and Watershed Protection District to construct a driveway and to locate several wells for residential use. He added that the proposed wells and driveway are quite near the edge of the wetlands and that a plan is needed to show how the well drilling water and well tailings will be collected and removed from the site. Mr. Bond also stated in his report that a plan on the driveway needs to be drawn by an engineer showing the proposed grades, side slopes, cross section and vegetation planned along the road so it can be demonstrated that the driveway construction and future driveway maintenance will not impact adjacent wetlands. He added that the impacts to the wetland buffers have been minimized, but questions remain about possible impact during the construction period. He offered that as more information becomes available he can further review this plan.

The Board reviewed the "Survey and Plat for Subdivision" plan # 1253-2 drawn by Blaisdell Survey, LLC and dated June 6, 2006 with no revisions. This plan showed the proposed 5 lot subdivision including the locations of the three proposed wells, the existing well, proposed driveway, existing driveway, house and septic as well as wetland delineations. Note # 3 on the plan states that "A portion of the lot is located in the Flood Hazard Zone per flood insurance rate map community-panel #33015CO360E". The plan

showed each of the proposed wells within the 100' watershed protection area and the dredging within the actual wetlands. It showed the proposed driveway through lot 48.6 to be as close as 10', or less, to the actual wetland in at least two areas and closer than 100' to the wetland along a distance of approximately 425'.

Mr. Blaisdell stated that the original plan presented to the Planning Board for design review was for an 11 lot subdivision which has now been scaled down to 5 lots, 4 plus the parent lot. He added that it is often very hard to meet the 100' wetland setback rule and that these particular lots cannot be delineated without the wells with their associated drainage and the driveway with associated site grading impacting the watershed protection area. Mr. Blaisdell stated that none of the wells nor the driveway will encroach into actual wetlands. It is the associated dredging and drainage that will encroach. He stated that he has added silt fences and any disturbance of lots 48-4 and 48-7 will be approximately 50' from an actual wetland. Mr. Blaisdell declared that a large portion of the useful land would be lost if the driveway placement were not allowed. The total length of the proposed shared driveway is approximately 700'.

Special Exception requests:

1. Lot 48-4: = Requesting a Special Exception of 55' to allow the placement of a well with associated drainage as close as 45' to a wetland.
2. Lot 48-6: = Requesting a Special Exception of 88' to allow the placement of a well with associated drainage as close as 12' to a wetland.
3. Lot 48-7: = Requesting a Special Exception of 50' to allow the placement of a well with associated drainage as close as 50' to a wetland.
4. Lot 48-6: = Requesting a Special Exception of 90' to allow the construction of a Driveway and associated site grading as close as 10' to a wetland.

There was a discussion relative to Mr. Bond's report requests and it was the unanimous consensus of the Board that the applicant be required to submit additional information in the form of the following information, on a plan or additions to the plan submitted, and obtain a favorable follow-up report on those plans from Mr. Bond.

1. A plan showing how the well drilling water and well tailings will be collected and removed from the site
2. A plan on the driveway drawn by an engineer showing the proposed grades, side slopes, cross section and vegetation planned along the road so it can be demonstrated that the driveway construction and future driveway maintenance will not impact adjacent wetlands.

Mr. Baker asked for abutter input. The abutters had no questions relative to the submitted plan, which they had previously viewed, but Mr. Boutin expressed concern relative to the condition of Sandown Road and asked when it was going to be fixed. He was referred to the Road Agent for a maintenance schedule.

It was the consensus of the Board that a site visit was necessary.

At 8:35 Mr. Hunter made the motion to continue this Public Hearing to the site at 366 Sandown Road at 5:30 pm on Monday August 28, 2006 and to the Fremont Town Hall at 7:00 pm on September 5, 2006, to allow time for the applicant to address the additional information as requested by Mr. Bond and for a site visit by the Board to the property. Motion seconded by Mr. Andrew with unanimous favorable vote.

#### MINUTES

The minutes of the June 20, 2006 meeting will be addressed at the next meeting as there were not enough members present who were at that meeting. There was no meeting in July.

#### RECORDING DECISIONS

There was a discussion relative to recording Zoning Board of Adjustment decisions at the Registrar of Deeds. Mrs. Bolduc noted that in November of 2003 the ZBA recommended to the Selectmen that a recording fee be added to the ZBA fee schedule. She suggested that, for recording purposes, all applicants be required to supply a copy of the deed to the subject property. The Board was in full agreement.

#### ZONING ORDINANCE XI AQUIFER PROTECTION DISTRICT

There was a general discussion relative to allowed uses in the Aquifer Protection District. There was also a discussion relative to Special Exceptions allowed in the district.

Mr. Hunter made the motion to adjourn 9:00 p.m.

Motion seconded by Mr. Andrew with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, Clerk